

REMARKS

Claims 1, 9, and 31 were rejected due to informalities.

Claims 1-7, 11, and 31-34 were rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,727,014 in view of US Patent 6,154,479.

Claims 8-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,727,014 in view of US Patent 6,154,479 and further in view of US Patent 6,825,963.

Claims 1-11 are now cancelled and are replaced with new claims 35-45. Claims 31-34 are now cancelled and are replaced with new claims 46-49.

The applicants have cancelled claims 1-11 and 31-34, and replaced them with claims 35-45 and 46-49, respectively. New independent claims 35 and 46 have been written to provide greater clarity with respect to the claimed invention. For example, there is a difference between the entire asymmetric structure 6 as disclosed in Applicants' figure 2A and the asymmetric geometric element 36 disclosed in Applicants' figure 5, which is the vertical cavity laser structure 20 as seen from a top view and disclosed in the specification on page 9, line 23 through page 10, line 3. Accordingly, the excitation layer 17 is a singular portion of the asymmetric structure 6 and is not integral to the asymmetric geometric element 36. Note the Applicants' preamble language—"An asymmetric light emitting structure."

The Applicants have also clarified the asymmetry of the geometric element in that the asymmetry refers to a first dimension being different from a second orthogonal dimension in the plane orthogonal to a light emitting layer. More importantly, the Applicants claim the novel and unobvious feature of the light emitting layer having a plurality of light emitting species with different and random orientations with respect to each other. In sharp contrast, both Wang and Yoshikawa, in their cited patents, disclose highly ordered crystalline structures as their light emitting species, for example GaAs layers and AlGaAs layers. In fact Wang explicitly states that these layers are epitaxially grown by molecular beam epitaxy on a substrate; hence, those ordinarily skilled in the art know this to mean that the layer is crystalline in structure. See, col. 8, lines 63-65 of Wang '014. Such crystalline structure is directly opposite that of the Applicants amorphous structure (i.e., without crystalline structure), which

provides the random orientation of light emitting species. See, Applicants' specification on page 8, lines 19-25 and Fig. 2B.

Accordingly, not only is there no prima facie case for the Examiner's rejection, because at least one of the Applicants' features is missing in the cited combination; there is no suggestion or motivation for a randomly oriented light emitting species structure in any of the cited art. Therefore, it is believed that independent claims 35 and 46 are unobvious in light of the combination Wang in view of Yoshikawa. The remaining claims are dependent from these claims and are considered to be patentable for at least the same reasons. No new search by the Examiner should be needed in that the Applicants have merely addressed the Examiner's objections and are further clarifying the novel and unobvious feature of random orientation of the light emitting species within an asymmetric geometric element that was originally claimed.

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

For the reasons set forth above, it is believed that the application is in condition for allowance. Accordingly, reconsideration and favorable action are respectfully solicited.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.